



**FINAL ADMINISTRATIVE DECISION  
ILLINOIS PROPERTY TAX APPEAL BOARD**

APPELLANT: Sujatha Rajan  
DOCKET NO.: 11-02473.001-R-1  
PARCEL NO.: 08-26-302-098

The parties of record before the Property Tax Appeal Board are Sujatha Rajan, the appellant, and the DuPage County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds a reduction in the assessment of the property as established by the **DuPage** County Board of Review is warranted. The correct assessed valuation of the property is:

**LAND: \$12,890  
IMPR.: \$54,410  
TOTAL: \$67,300**

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property is improved with a two-story single-family townhome of frame and masonry exterior construction containing 1,750 square feet of living area. The dwelling was constructed in 1998. Features of the home include central air conditioning and an attached garage of 400 square feet of building area. The property is located in Woodridge, Lisle Township, DuPage County.

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted evidence disclosing the subject property was purchased on December 16, 2010 for a price of \$203,000. The appellant completed Section IV - Recent Sale Data of the appeal disclosing the property was sold by Patrick Youngs, the parties to the transaction were not related, the property was sold using a Realtor from Affordable Real Estate, agent Barbara Youngs, the property had been advertised on the

open market through the Multiple Listing Service and it had been on the market for 533 days.

In further support of the transaction the appellant submitted a copy of the Multiple Listing Service data sheet depicting the listing date of September 1, 2010 and an asking price of \$234,500 and a price reduction to \$214,500. The document also depicts that the contract was entered into on October 21, 2010. A copy of the Settlement Statement reiterates the sale date and purchase price as previously reported and also reflects the payment of a brokers' commission related to the sale.

Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price at the statutory level of assessment of 33.33%.

The board of review submitted its "Board of Review Notes on Appeals" wherein the subject's total assessment of \$84,570 was disclosed. The subject's assessment reflects a market value of \$255,113 or \$145.78 per square foot of living area, including land, when applying the 2011 three year average median level of assessment for DuPage County of 33.15% as determined by the Illinois Department of Revenue.

In support of the assessment the board of review submitted its Addendum to Board of Review Notes on Appeal along with Exhibit 1 consisting of a spreadsheet containing seven comparable sales with a parcel map attached depicting the location of the subject and the comparable properties. The spreadsheet indicates it was prepared by John D. Trowbridge II, Lisle Township Assessor. The grid also depicts the subject's purchase price of \$203,000 in December 2010. The following statements also appear on the spreadsheet:

- Subject: Mr. Goebel paid \$220,330 in 04/2001, lost on a sheriff's deed recorded 6/30/2010 as doc no . . . to Mr. Youngs and Mr. Lewinski who then sold the property to Mr. Rajan in 12/2010 for \$203,000
- This is a townhouse development of 74 units, please confirm assessment for equity purposes

Also attached to the submission was a copy of the Sheriff's Deed entered on June 21, 2010 conferring the property to Patrick Youngs/James Lewinski.

Each of the seven comparable sales in the spreadsheet has the same neighborhood code assigned by the assessor as the subject

property. The comparables are improved with dwellings that contain either 1,630 or 1,750 square feet of living area. The dwellings were constructed between 1999 and 2001. Each comparable has a partial unfinished basement, central air conditioning and a garage of 400 square feet which is either attached or located in the basement. Three of the comparables have a fireplace. The comparables sold from November 2004 to May 2010 for prices ranging from \$245,500 to \$307,000 or from \$148.57 to \$175.43 per square foot of living area, including land.

Based on this evidence, the board of review requested confirmation of the subject's assessment.

After reviewing the record and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal. The Board further finds a reduction in the subject's assessment is warranted.

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. Except in counties with more than 200,000 inhabitants that classify property, property is to be valued at 33 1/3% of fair cash value. (35 ILCS 200/9-145(a)). Fair cash value is defined in the Property Tax Code as "[t]he amount for which a property can be sold in the due course of business and trade, not under duress, between a willing buyer and a willing seller." (35 ILCS 200/1-50). The Supreme Court of Illinois has construed "fair cash value" to mean what the property would bring at a voluntary sale where the owner is ready, willing, and able to sell but not compelled to do so, and the buyer is ready, willing, and able to buy but not forced to do so to do. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d 428 (1970). A contemporaneous sale between two parties dealing at arm's length is not only relevant to the question of fair cash value but practically conclusive on the issue on whether the assessment is reflective of market value. Korzen v. Belt Railway Co. of Chicago, 37 Ill.2d 158 (1967). When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3<sup>rd</sup> Dist. 2002); 86 Ill.Admin.Code §1910.63(e). Proof of market value may consist of an appraisal of the subject property, a recent sale, comparable sales or construction costs. (86 Ill.Admin.Code §1910.65(c)). The Board finds the appellant

met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of market value to be the purchase of the subject property on December 16, 2010 for a price of \$203,000 which occurred approximately 16 days prior to the assessment date at issue in this appeal of January 1, 2011. The appellant provided evidence demonstrating the sale had the elements of an arm's length transaction. The seller was Patrick Youngs, the parties to the transaction were not related, the property was sold using a Realtor from Affordable Real Estate, agent Barbara Youngs and the property had been advertised on the open market through the Multiple Listing Service. In addition, the board of review did not present any evidence to challenge the arm's length nature of the subject's sale transaction and, in fact, reported the sale date and sale price in its grid when outlining the details of the subject property.

The Property Tax Appeal Board further finds the purchase price of \$203,000 is below the market value reflected by the assessment of \$255,113. Additionally, the original asking price in September 2010 of \$234,500 and the subsequent price reduction to \$214,500 are both below the market value reflected by the assessment of \$255,113. The Board also finds the board of review did not substantively present any evidence to challenge the arm's length nature of the transaction. Reporting that Mr. Goebel paid \$220,330 in April 2001, and then lost the property through a Sheriff's Deed to Mr. Youngs and Mr. Lewinski does not refute the arm's length nature of the sale transaction to the appellant, Sujatha Rajan, in December 2010 for \$203,000.

The board of review also failed to refute the contention that the purchase price of \$203,000 was reflective of market value at the time of sale, particularly given the original asking price of \$234,500 and the subsequent price reduction to \$214,500.

Next, the Board has given no weight to board of review comparables #3 through #7 which sold from November 2004 to October 2008 which are sale dates too remote in time to be likely indicators of the subject's estimated market value as of January 1, 2011. Furthermore, the Board has placed little weight on board of review comparable sales #1 and #2 which occurred in 2009 and 2010 given that these townhomes were of a different model than the subject and contain 1,630 square feet of living area as compared to the subject unit of 1,750 square feet. Finally, in light of the provisions of the Property Tax Code and the applicable case law cited above along with the fact

that the subject property sold approximately 16 days prior to the assessment date of January 1, 2011, the subject's sale price is the best evidence of market value in the record.

As a final point, the basis of this appeal was overvaluation and thus, the assessor's request to "confirm [the] assessment for equity purposes" is not a relevant consideration. (86 Ill.Admin.Code §1910.50).

Based on this record the Board finds the subject property had a market value of \$203,000 as of January 1, 2011. Since market value has been determined the 2011 three year average median level of assessment for DuPage County of 33.15% shall apply. (86 Ill.Admin.Code §1910.50(c)(1)).

This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code.

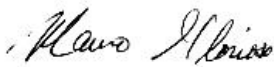


Chairman



Member

Member



Member



Member

DISSENTING:

C E R T I F I C A T I O N

As Clerk of the Illinois Property Tax Appeal Board and the keeper of the Records thereof, I do hereby certify that the foregoing is a true, full and complete Final Administrative Decision of the Illinois Property Tax Appeal Board issued this date in the above entitled appeal, now of record in this said office.

Date: April 18, 2014



Clerk of the Property Tax Appeal Board

**IMPORTANT NOTICE**

Section 16-185 of the Property Tax Code provides in part:

"If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing complaints with the Board of Review or after adjournment of the session of the Board of Review at which assessments for the subsequent year are being considered, the taxpayer may, within 30 days after the date of written notice of the Property Tax Appeal Board's decision, appeal the assessment for the subsequent year directly to the Property Tax Appeal Board."

In order to comply with the above provision, YOU MUST FILE A PETITION AND EVIDENCE WITH THE PROPERTY TAX APPEAL BOARD WITHIN 30 DAYS OF THE DATE OF THE ENCLOSED DECISION IN ORDER TO APPEAL THE ASSESSMENT OF THE PROPERTY FOR THE SUBSEQUENT YEAR.

Based upon the issuance of a lowered assessment by the Property Tax Appeal Board, the refund of paid property taxes is the responsibility of your County Treasurer. Please contact that office with any questions you may have regarding the refund of paid property taxes.